

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 26 of the Lincoln Municipal Code relating to
2 subdivisions by repealing Section 26.11.015 relating to administrative plats; repealing Section
3 26.11.017 relating to action on administrative plats; amending Section 26.11.020 to change
4 a reference to when a preliminary plat is not required; amending Section 26.11.037 to provide
5 that the action and findings of the Planning Commission on the preliminary plat be provided
6 to the City Clerk and to provide that the subdivider, Planning Director and the Public Works
7 and Utilities Director, as well as any aggrieved person, may appeal action of the Planning
8 Commission on a preliminary plat to the City Council; amending Section 26.11.038 to
9 eliminate acceptance of the preliminary plat by the City Council; amending Section 26.11.050
10 regarding the filing of a final plat to add a new subparagraph (b) dealing with the filing of and
11 the Planning Director's approval of a final plat without a preliminary plat subject to conditions;
12 amending Section 26.11.060 to modify the provisions regarding action required on a final plat
13 to reflect the ability of the Planning Director to approval final plats; amending Section
14 26.11.070 to modify the provisions regarding filing a final plat with the Register of Deeds;
15 amending Section 26.11.130 relating to survey errors to add the phrase "corrected plats" to
16 the title and to delete provisions no longer necessary due to Planning Director approval of
17 final plats; amending Section 26.15.020 regarding information on or accompanying a
18 preliminary plat to delete the requirement that the proposed species and location of trees and
19 the proposed location, design and materials used in all required landscape screens be
20 provided at the time of preliminary plat; amending Section 26.19.035 to amend the additional
21 information required on the final plat to include the proposed species and location of trees for
22 each street and private roadway within the subdivision and to include the proposed location,
23 design and materials to be used in all required landscape screens; amending Section
24 26.33.020 to increase the fee for administrative final plats; amending Section 26.33.030 to
25 increase the filing fee for a preliminary plat; repealing Section 26.33.040 relating to final plats;
26 amending Section 26.33.050 to increase the fee for filing a corrected final plat; amending

1 Section 26.33.060 to increase the fee for an application to vacate a final plat; amending
2 Section 26.33.070 to increase the fee to be charged to amend the conditions of approval for
3 a final plat; amending Section 26.33.080 to modify those applications which are exempt from
4 an application fee; amending Section 26.33.090 to increase the application fee for a change
5 of text to Title 26; amending Section 26.33.100 to increase the fees in connection with an
6 application not otherwise covered by Chapter 26.33; adding a new section numbered
7 26.33.110 to establish a new fee to be charged at the time of filing an application to waive
8 and/or modify ordinance requirement, design standards or to appeal one or more conditions
9 of approval; adding a new section numbered 26.33.120 to establish an application fee for a
10 street name change; adding a new section numbered 26.33.130 to add a new fee to be
11 charged at the time of filing an application that requires additional public notice; and
12 repealing Sections 26.11.020, 26.11.037, 26.11.038, 26.11.050, 26.11.060, 26.11.070,
13 26.11.130, 26.15.020, 26.19.020, 26.19.035, 26.33.020, 26.33.030, 26.33.050, 26.33.060,
14 26.33.070, 26.33.080, 26.33.090, and 26.33.100 of the Lincoln Municipal Code as hitherto
15 existing.

16 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

17 Section 1. That Section 26.11.015 of the Lincoln Municipal Code be and the
18 same is hereby repealed.

19 **~~26.11.015 — Administrative Plat.~~**

20 ~~———— The Planning Director is hereby empowered to administratively approve the plat of a~~
21 ~~subdivision under the following conditions:—~~

22 ~~———— (a) — No new street or private roadway is accepted or needed within the area of the~~
23 ~~new lots, except in the sole discretion of the Planning Director, private roadways which will~~
24 ~~serve only the proposed subdivision may be accepted within industrial or commercial districts~~
25 ~~when the director is satisfied that public streets are not desirable or necessary, every lot fronts~~
26 ~~upon and takes access to the private roadway or public street, adequate internal circulation~~
27 ~~exists, city design standards for private roadways are met, and provisions have been made for~~
28 ~~the proper and continuous maintenance of the roadway in accordance with the provisions of~~
29 ~~this title.—~~

1 ~~—— (b) — Required easements for utilities, drainage, and any other improvement as found~~
2 ~~in this title shall be provided. If proper provisions for any required utility, drainage, and any~~
3 ~~other improvement as found in this title cannot be made, the administrative plat shall be disap-~~
4 ~~proved.~~

5 ~~—— (c) — The Planning Director may require the posting of bonds or an escrow or security~~
6 ~~agreement approved by the city attorney in an amount sufficient to guarantee the installation~~
7 ~~of required improvements as found in this title. Said improvements shall be completed within~~
8 ~~the same time limits as allowed for plats requiring council approval.~~

9 ~~—— (d) — The subdivider shall submit such information as set forth in Sections 26.15.015,~~
10 ~~26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning Director.~~

11 ~~—— (e) — Where individual water systems or on-site wastewater treatment systems are~~
12 ~~proposed to serve any of the proposed lots, the Health Department must approve the system,~~
13 ~~and all plans and information required by the Health Department shall be provided by the~~
14 ~~subdivider.~~

15 ~~—— (f) — (1) — Prior to the approval of the administrative plat, the subdivider shall~~
16 ~~provide a statement from the County Treasurer's office showing there are no tax liens against~~
17 ~~said land within the proposed subdivision or any part thereof. The subdivider shall also pro-~~
18 ~~vide a statement from the City Treasurer's office showing that all special assessment~~
19 ~~installment payments are current as applied to said proposed subdivision or any part thereof.~~
20 ~~All taxes shall be paid in full on all real property dedicated to a public use.~~

21 ~~—— (2) — In the event of any proposed dedication for public use, a certificate of~~
22 ~~title or a title opinion issued to or for the benefit and protection of the city showing all parties~~
23 ~~whose consent is necessary to pass clear title for the land being subdivided and dedicated,~~
24 ~~together with the nature of their interests therein, shall be furnished. Such proof of title shall~~
25 ~~be in a form acceptable to the City Attorney. Any subsequent change affecting ownership of~~
26 ~~the proposed subdivision or any part thereof shall be made only upon the prompt notification~~
27 ~~and certification to the city of said change in ownership. The city shall assume no~~
28 ~~responsibility for any title problem with said proposed subdivision or any part thereof, and ap-~~
29 ~~proval of said subdivision shall not be construed as approval of the title of the proposed~~
30 ~~subdivision or any part thereof.~~

~~—————(g)———— The administrative plat shall be in accordance with the comprehensive plan except that there shall be no dedication of land required for street right-of-way purposes under the following conditions:—~~

~~—————(1)———— The land involved in the administrative plat has previously been subdivided or platted in accordance with the then applicable subdivision ordinances and procedures of the city.—~~

~~—————(2)———— The maximum lot size for any one lot created by the proposed administrative plat does not exceed 15,000 square feet.—~~

~~—————(h)———— The administrative plat shall be in accordance with all the development standards of this title, except that a lot may have a maximum depth of five times its width under the following conditions:—~~

~~—————(1)———— The land involved in the administrative plat is zoned O-1, O-2, O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 districts;—~~

~~—————(2)———— The minimum lot frontage of lots created by the proposed administrative plat is 100 feet or more.—~~

~~—————(i)———— The subdivider shall submit an accurately drawn plat showing the proposed lots including the length of each lot line and its angle of deflection. Affixed to the plat shall be a certificate signed by a registered land surveyor certifying that each proposed lot has been accurately surveyed and that each lot corner has been well and accurately staked and marked.~~

~~—————(j)———— The form of the administrative plat shall be as provided in Chapter 26.19 except the approval certificate will be signed by the Planning Director and certification by Planning Commission and City Clerk will not be required.~~

~~—————(k)———— All land within the limits of a proposed administrative plat outside of, but adjoining or contiguous to, the corporate limits of the city must first be annexed by the council prior to approval of such administrative plat if all the land lies within the future urban area as defined and delineated in the Lincoln-Lancaster County Comprehensive Plan.~~

Section 2. That Section 26.11.017 of the Lincoln Municipal Code be and the same is hereby repealed.

1 ~~**26.11.017 Action on Administrative Plat.**~~

2 ~~Copies of the administrative plat shall be distributed to other city departments and~~
3 ~~governmental agencies who are directly concerned with the proposed subdivision. Within~~
4 ~~ten days from receipt of the proposed administrative plat, a report on the findings of each such~~
5 ~~department or agency shall be returned to the Planning Director. Within twenty days from~~
6 ~~receipt of a complete application, the findings of the Planning Director shall be submitted to~~
7 ~~the applicant. The applicant may request modifications to the requirements for subdivision~~
8 ~~approval as provided in Section 26.31.010 of this title. The Planning Director shall file the~~
9 ~~approved administrative plat with all agreements and required easements in the office of the~~
10 ~~Register of Deeds of Lancaster County, Nebraska, within fifteen days from the date of~~
11 ~~approval. Thereupon such final plat shall be equivalent to and operate as a deed in fee simple~~
12 ~~to the city or Lancaster County or other applicable utility or governmental entity from the~~
13 ~~owner of all streets, alleys, public ways and grounds, and of such portions of land as herein~~
14 ~~set apart for public and city use. The recording fees shall be paid in advance by the subdivider~~
15 ~~and submitted to the Planning Director.~~

16 Section 3. That Section 26.11.020 of the Lincoln Municipal Code be amended
17 to read as follows:

18 **26.11.020 Filing Preliminary Plat With Planning Director.**

19 Except as provided in Section ~~26.11.015~~ 26.11.050(a), a preliminary plat and final plat
20 shall be required for all subdivisions. The subdivider shall file with the Planning Director
21 copies of the preliminary plat in the form hereinafter provided, together with copies of the
22 owners' statement and accompanying data, the number of copies to be determined by the
23 Planning Director. The time of filing such preliminary plat shall be the time said plat and
24 accompanying data is received in the Planning Director's office. The Planning Director shall
25 distribute copies of the preliminary plat and owners' statement and accompanying data to
26 other city departments and governmental agencies who are directly concerned with the
27 proposed subdivision. When a change of zone, special permit, use permit, or planned unit
28 development is required, such application shall accompany the filing of the preliminary plat.

29 Section 4. That Section 26.11.037 of the Lincoln Municipal Code be amended
30 to read as follows:

1 **26.11.037 Commission Action on Preliminary Plat.**

2 If after public hearing the commission finds the proposed preliminary plat complies
3 with the requirements of this title, it shall approve the preliminary plat. The approval of the
4 preliminary plat shall not constitute authority for the subdivider to sell the individual lots.

5 If a governmental agency, other than the city, which is directly concerned with the
6 proposed subdivision with respect to schools, parks, playgrounds, fire stations, libraries, and
7 other common areas for public use, failed to file with the Planning Director its approval of or
8 a report on the preliminary plat, the commission may withhold its approval or disapproval of
9 the preliminary plat until such agency's approval or report is filed.

10 If after public hearing the commission finds that the proposed preliminary plat does not
11 satisfy the requirements of this title, it shall specify in writing in the minutes of the hearing the
12 objections to the proposed preliminary plat. The commission may disapprove or approve the
13 proposed preliminary plat upon the condition that the subdivider makes specific changes in
14 the proposed preliminary plat which will remove the objections and bring the proposed
15 preliminary plat into compliance with this title.

16 ~~One copy of the proposed preliminary plat, together with a copy of the~~ The action and
17 findings of the Commission on the preliminary plat after public hearing, shall be submitted to
18 filed with the City Clerk and the person offering the proposed preliminary plat within seven
19 days from the action by the Planning Commission. One copy of the proposed preliminary plat
20 and findings shall be retained by the commission as part of its official records.

21 The subdivider, the Planning Director, the Public Works and Utilities Director, or Any
22 aggrieved person may appeal any action of the commission to the City Council by filing notice
23 of appeal with the City Clerk within fourteen days following the action by the Planning
24 Commission.

25 The preliminary plat shall only be effective for a period of ten years from the date of
26 the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a
27 portion of the approved preliminary plat is submitted five years or more after the effective date
28 of the preliminary plat, the city may require that a new preliminary plat be submitted, pursuant
29 to all the provisions of this chapter. A new preliminary plat may be required if the subdivision
30 ordinance, the design standards, or the required improvements have been amended by the

city; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations.

Section 5. That Section 26.11.038 of the Lincoln Municipal Code be amended to read as follows:

26.11.038 Authority to Proceed With Improvements.

~~After submittal of a proposed preliminary plat to the City Clerk, the City Clerk shall cause the proposed preliminary plat to be placed on the agenda of the City Council for approval by the City Council by resolution.~~ Receipt by the subdivider of final approval of the preliminary plat and acceptance by the City Council shall constitute authority for the subdivider to proceed with plans, profiles, and specifications for the grading and land preparation, ~~presentation~~ submission of the final plat to the Commission, and the installation of the required improvements, except street lighting and street name signs. No person shall engage in the grading or disturbance of any land one acre or greater in size without first submitting a drainage and grading plan setting forth the requirements of the design standards applicable to stormwater management, erosion, and sedimentation control and obtaining approval of said plan. Any person who engages in the grading or disturbance of any land in violation of the provisions contained in this section shall be subject to an order to cease and desist such grading work. No utility or improvement shall be installed or constructed until the area to be developed has been graded and the subdivider's licensed surveyor or engineer has submitted a written statement with the seal of the professional to the Director of Public Works and Utilities that the grading and shaping of the land to be developed has been completed in conformance with the grading shown on the preliminary plat, the drainage study, and the final street grades. The Director of Public Works and Utilities may approve the grading, installation, and construction in phases. Also, no utility or improvement shall be installed or constructed until the plans, and if appropriate profiles and specifications, are prepared by the appropriate city department or submitted by the subdivider to the appropriate city department and other governmental agencies required by law, and approval is granted. Plans, and if appropriate profiles and specifications, for street surfacing, sidewalks, public water systems, public wastewater works, storm drains, and drainage systems, land preparation and grading, and temporary turnarounds not prepared by the city engineering staff shall be submitted to the

1 Department of Public Works and Utilities for approval. Plans, profiles, and specifications for
2 community water systems and community wastewater works shall be reviewed and approved
3 pursuant to Section 26.11.040(d) of this title. Individual water well systems and on-site
4 wastewater treatment systems shall be submitted to the City-County Health Department for
5 approval. Plans and specifications for landscape screens and trees shall be submitted to the
6 Planning Director for approval. Plans and specifications for electrical distribution systems and
7 street lighting shall be prepared by the Lincoln Electric System (LES) unless the subdivider
8 requests and receives permission from LES to use a private consulting engineer, then the plans
9 and specifications shall be submitted to LES for approval. The plans and specifications for
10 street name signs shall be prepared by the Department of Public Works and Utilities. The
11 plans and specifications for the grading and land preparation, paving, street surfacing, public
12 water system, public wastewater works and storm drains shall be prepared by a professional
13 engineer or architect registered in the State of Nebraska.

14 Installation of utilities and improvements may be allowed on all or a portion of the
15 proposed subdivision prior to the approval of the final plat. Street surfacing, public water
16 systems, public wastewater works, and public street lighting shall not be installed or
17 constructed until authorized by executive order of the Mayor or ordered constructed by the
18 city through an assessment district. Storm drainage systems shall not be installed or con-
19 structed until authorized by executive order of the Mayor.

20 The design and installation of each utility and other improvements shall be in strict
21 accordance with the design standards for that utility or other improvement. Design standards
22 for utilities and other improvements shall be on file with and available from the City Clerk.

23 Section 6. That Section 26.11.050 of the Lincoln Municipal Code be amended
24 to read as follows:

25 **26.11.050 Filing Final Plat.**

26 (a) A subdivider may file a final plat which conforms to a proposed preliminary plat
27 or an approved preliminary plat which is still in effect as set out in Section 26.11.037. The
28 final plat shall be drawn in accordance with an accurate survey of the subdivision, the
29 approved preliminary plat, and the standards for development set out in Chapter 26.23 hereof.

1 The subdivider shall file with the Planning Department the final plat and in addition thereto
2 the number of copies required by the Planning Director, together with the following:

3 (1) Prior to the approval of the final plat by the ~~Commission~~ Planning
4 Director, the subdivider shall provide a statement from the County Treasurer's office showing
5 that, according to their records, there are no delinquent taxes against the land within the
6 proposed subdivision or any part thereof, and there are no liens for taxes which have been
7 levied but which are not yet delinquent upon any buildable lot, street, or other property to be
8 dedicated for public use, or outlot which is not reserved for future development. The
9 subdivider shall also provide a statement from the County Treasurer's office showing that all
10 special assessment installment payments are current as applied to said proposed subdivision
11 or any part thereof. The City shall assume no responsibility for any tax or special assessment
12 liability on the property to be subdivided, and approval of said final plat shall not be construed
13 as either an approval of or act as a waiver of the enforcement of all applicable statutes and
14 ordinances with regard to the collection of taxes and special assessments on the proposed
15 subdivided property or any part thereof. All taxes and special assessments must be paid in full
16 on all real property dedicated in fee to a public use. The subdivider shall also obtain from the
17 County Assessor's office a list of new account numbers for the purpose of assessment of taxes
18 against all buildable lots and outlots not reserved for future development within the proposed
19 subdivision.

20 (2) In the event of any proposed dedication for public use, a certificate of
21 title or a title opinion issued to or for the benefit and protection of the City, showing all parties
22 whose consent is necessary to pass clear title for the land being subdivided and dedicated,
23 together with the nature of their interests therein, shall be furnished. Such proof of title shall
24 be in a form acceptable to the City Attorney. Any subsequent change affecting ownership of
25 the proposed subdivision or any part thereof shall be made only upon the prompt notification
26 and certification to the City of said change in ownership. The City shall assume no responsi-
27 bility for any title problem with said proposed subdivision or any part thereof, and approval
28 of said final plat shall not be construed as approval of the title of the proposed subdivision or
29 any part thereof.

1 (3) Whenever property is subdivided with the intention that it will have a
2 use other than permitted by the district in which such property is located as designated on the
3 then existing Lincoln zoning district maps, such use shall be stated. No final plat shall be
4 approved unless or until it complies with Title 27 of this code.

5 **(b) A subdivider may file a final plat without an approved preliminary plat and the**
6 **Planning Director is hereby empowered to approve such a final plat under the following**
7 **conditions:**

8 **(1) No new street or private roadway is accepted or needed within the area**
9 **of the new lots, except in the sole discretion of the Planning Director, private roadways which**
10 **will serve only the proposed subdivision may be accepted within industrial or commercial**
11 **districts when the Director is satisfied that public streets are not desirable or necessary, every**
12 **lot fronts upon and takes access to the private roadway or public street, adequate internal**
13 **circulation exists, City design standards for private roadways are met, and provisions have**
14 **been made for the proper and continuous maintenance of the roadway in accordance with the**
15 **provisions of this title.**

16 **(2) Required easements for utilities, drainage, and any other improvement**
17 **as found in this title shall be provided. If proper provisions for any required utility, drainage,**
18 **and any other improvement as found in this title cannot be made, the plat shall be dis-**
19 **approved.**

20 **(3) The Planning Director may require the posting of bonds or an escrow or**
21 **security agreement approved by the City Attorney in an amount sufficient to guarantee the**
22 **installation of required improvements as found in this title. Said improvements shall be com-**
23 **pleted within the same time limits as provided for in Section 26.11.040.**

24 **(4) The subdivider shall submit such information as set forth in Sections**
25 **26.15.015, 26.15.020, 26.15.030, and 26.15.040 of this title as specified by the Planning**
26 **Director.**

27 **(5) Where individual water or wastewater systems are proposed to serve any**
28 **of the proposed lots, the Health Department must approve the system, and all plans and**
29 **information required by the Health Department shall be provided by the subdivider.**

1 (6) (i) Prior to the approval of the plat, the subdivider shall provide a
2 statement from the County Treasurer's office showing there are no tax liens against said land
3 within the proposed subdivision or any part thereof. The subdivider shall also provide a
4 statement from the City Treasurer's office showing that all special assessment installment pay-
5 ments are current as applied to said proposed subdivision or any part thereof. All taxes shall
6 be paid in full on all real property dedicated to a public use.

7 (ii) In the event of any proposed dedication for public use, a cer-
8 tificate of title or a title opinion issued to or for the benefit and protection of the city showing
9 all parties whose consent is necessary to pass clear title for the land being subdivided and
10 dedicated, together with the nature of their interests therein, shall be furnished. Such proof
11 of title shall be in a form acceptable to the City Attorney. Any subsequent change affecting
12 ownership of the proposed subdivision or any part thereof shall be made only upon the
13 prompt notification and certification to the city of said change in ownership. The City shall
14 assume no responsibility for any title problem with said proposed subdivision or any part
15 thereof, and approval of said subdivision shall not be construed as approval of the title of the
16 proposed subdivision or any part thereof.

17 (7) The plat shall be in accordance with the comprehensive plan except that
18 there shall be no dedication of land required for street right-of-way purposes under the
19 following conditions:

20 (i) The land involved in the plat has previously been subdivided or
21 platted in accordance with the then applicable subdivision ordinances and procedures of the
22 City.

23 (ii) The maximum lot size for any one lot created by the proposed plat
24 does not exceed 15,000 square feet.

25 (8) The plat shall be in accordance with all the development standards of this
26 title, except that a lot may have a maximum depth of five times its width under the following
27 conditions:

28 (i) The land involved in the plat is zoned O-1, O-2, O-3, B-1, B-2,
29 B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 district;

1 (ii) The minimum lot frontage of lots created by the proposed admin-
2 istrative plat is 100 feet or more.

3 (9) The subdivider shall submit an accurately drawn plat showing the pro-
4 posed lots including the length of each lot line and its angle of deflection. Affixed to the plat
5 shall be a certificate signed by a registered land surveyor certifying that each proposed lot has
6 been accurately surveyed and that each lot corner has been well and accurately staked and
7 marked.

8 (10) The form of the plat shall be as provided in Chapter 26.19 except the
9 approval certificate will be signed by the Planning Director.

10 ~~(b)~~ (c) If the time period between the effective date of the approved preliminary plat
11 and the date the final plat is submitted exceeds five years and the required improvements have
12 not been installed pursuant to a written authorization from the Mayor by executive order, the
13 subdivider may, prior to preparing the final plat, request a written opinion from the Planning
14 Director as to whether the conditions of approval and the approved preliminary plat are still
15 in compliance with the subdivision ordinance, design standards, and required improvements.
16 The Planning Director shall submit to the subdivider a written response indicating whether the
17 conditions of approval and the approved preliminary plat are still in compliance with the
18 current subdivision ordinance, design standards, and required improvements. If the prelimi-
19 nary plat is not in compliance, the Planning Director shall list the items of noncompliance and
20 may require that a new preliminary plat be submitted by the subdivider pursuant to all of the
21 provisions of this title.

22 Section 7. That Section 26.11.060 of the Lincoln Municipal Code be amended
23 to read as follows:

24 **26.11.060 Action Required on Final Plat.**

25 (a) Upon receipt of the final plat, the Planning Director shall ~~examine said plat for~~
26 ~~conformity and compliance with the approved or proposed preliminary plat and any~~
27 ~~requirements imposed as a condition for the acceptance of the final plat. Then said final plat,~~
28 ~~together with other materials required in this title shall be transmitted to the Director of Public~~
29 ~~Works and Utilities. cause copies of the proposed final plat and accompanying documents to~~

1 be distributed to the Director of Public Works and Utilities and other city departments and
2 governmental agencies who are directly concerned with the subdivision.

3 ~~(b) Upon receipt of the final plat and required documents to be submitted~~
4 ~~therewith, the Director of Public Works and Utilities shall check surveying data, plans,~~
5 ~~profiles, and specifications of improvements, certificates of dedication, acceptance of~~
6 ~~dedication, and such other matters as require checking to ensure compliance with the~~
7 ~~provisions of this title. Within fifteen days from receipt of the final plat, the findings of the~~
8 ~~Director shall be transmitted to the Planning Director for presentation to the Commission.~~
9 Each department or governmental agency which is directly concerned with the proposed
10 subdivision shall, within fifteen days from receipt of a copy of the final plat, file with the
11 Planning Director its approval of said plat or a report indicating in what manner such final plat
12 does not conform to the requirements of this title and all other rules, regulations, and
13 standards adopted pursuant to this title over which such department has administrative
14 responsibility.

15 ~~(c) The final plat shall be presented to the Commission after acceptance of the~~
16 ~~preliminary plat by the City Council. If the Commission finds that the final plat conforms to~~
17 ~~the approved preliminary plat and all amendments thereto, the Commission shall adopt a~~
18 ~~resolution approving such final plat and setting forth all conditions of approval and the amount~~
19 ~~of all bonds or escrow of security agreements necessary to insure installation of all~~
20 ~~requirement improvements. Within fifteen days from receipt of all the above reports, the~~
21 Planning Director shall notify the subdivider in writing of the recommended approval,
22 conditional approval or disapproval of the final plat based upon a review of the
23 recommendations of the various departments and the Director's own review of the design of
24 the subdivision. If the Director finds that the final plat should be conditionally approved, the
25 notification shall set forth all conditions of approval and the amount of all bonds or escrow
26 of security agreements necessary to insure installation of all required improvements. The
27 Planning Director shall also furnish the subdivider a subdivision agreement to be executed by
28 the subdivider wherein the subdivider agrees to comply with all conditions of approval and
29 further agrees to construct the required improvements as provided therein. Upon receipt of
30 the fully executed subdivision agreement and acceptance of the required sureties by the Law

1 ~~Department, the Planning Director~~ The chairman of the Commission shall sign the final plat,
2 thereby indicating that the final plat has ~~received the approval of the Commission~~ been
3 approved and it substantially conforms to the approved preliminary plat and the requirements
4 of this title at the time of approval of the preliminary plat and that all approved offers of
5 dedication are accepted. If the final plat does not substantially conform to the approved
6 preliminary plat, the ~~Commission~~ Planning Director shall disapprove of the final plat. ~~The~~
7 ~~Commission shall approve a final plat if it substantially conforms to the requirements of this~~
8 ~~title applicable at the time of the approval of the preliminary plat.~~

9 (d) Any aggrieved person may appeal any action of the ~~Commission~~ Planning
10 Director to the Planning Commission, and any decision of the Planning Commission to the
11 City Council by filing notice of an appeal ~~with the City Clerk~~ within fourteen days following
12 the action ~~by the Commission~~ being appealed. The appeal of the Planning Director's action
13 shall be filed with the Director, and the appeal of the Planning Commission's action shall be
14 filed with the City Clerk. If the Planning Commission approves a final plat and its action is not
15 appealed to the City Council, the final plat shall be signed by the Chairman of the
16 Commission. If the City Council approves a final plat after the appeal of the denial of such
17 a plat by the Commission, no further action shall be required by the Commission to approve
18 such a plat. After approval thereof by the City Council, the plat shall be returned to the
19 Planning Department for signing by the Chairman of the Commission. Thereafter, such plat
20 shall be processed in accordance with the procedures set forth in Section 26.11.070.

21 Section 8. That Section 26.11.070 of the Lincoln Municipal Code be amended
22 to read as follows:

23 **26.11.070 Final Plat Filed With Register of Deeds.**

24 No plat shall be filed for record or recorded in the office of the Register of Deeds of
25 Lancaster County, and no lot shall be sold from such plat unless and until:

26 (a) Such plat has been approved by the ~~Commission~~ Planning Director, or in the
27 event of an appeal, ~~such plat has been approved by the City Council, or in the case of an ad-~~
28 ~~ministrative plat, such plat has been approved by the Planning Director~~ by the Planning
29 Commission or City Council;

1 (b) Provision for the installation and construction of all required minimum improve-
2 ments as provided in Section 26.11.039 have been fulfilled;

3 (c) The subdivider has submitted to the ~~City Clerk~~ Planning Director the recording
4 fee.

5 Thereafter, the approved final plat and a copy of the accepting resolution, if any,
6 certified by the City Clerk, along with all required agreements, shall be filed and recorded in
7 the office of the Register of Deeds of Lancaster County, Nebraska. Thereupon such final plat
8 shall be equivalent to and operate as a deed in fee simple to the City or Lancaster County or
9 other applicable utility or governmental entity from the owner of all streets, alleys, public ways
10 and grounds, and of such portions of land as herein set apart for public and city use. The ~~City~~
11 ~~Clerk~~ Planning Director shall have the responsibility for transmitting to the office of the
12 Register of Deeds the approved final plat, ~~a certified copy of the resolution accepting said final~~
13 ~~plat, and any other data that must be recorded. The City Clerk shall ascertain the amount of~~
14 ~~the recording fees due the Register of Deeds and notify the subdivider.~~

15 Section 9. That Section 26.11.130 of the Lincoln Municipal Code be amended
16 to read as follows:

17 **26.11.130 Survey Errors; Corrected Plats.**

18 In the event that a survey error is found at any time after the filing of the final plat with
19 the Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter,
20 the subdivider shall immediately proceed to cause the survey error to be corrected. Building
21 permits on any or all of the lots within the subdivision may be withheld and the city may take
22 such other action it deems appropriate to obtain the correction of the survey error. The
23 subdivider shall submit to the Planning Director a corrected final plat and an explanation letter
24 setting forth the corrections. The Planning Director shall transmit the corrected final plat and
25 the letter of explanation to the Director of Public Works and Utilities. The Director of Public
26 Works and Utilities shall review and return comments to the Planning Director. ~~Thereafter,~~
27 ~~a copy of the corrected plat, the letter of explanation, the report of the Director of Public~~
28 ~~Works and Utilities, and the recommendation of the Planning Director shall be transmitted to~~
29 ~~the Law Department and the City Clerk. The Law Department shall prepare a resolution~~
30 ~~approving and accepting the corrected final plat and voiding the plat with the survey error.~~

1 ~~The Commission may then approve and accept the corrected final plat.~~ After such approval,
2 the City Clerk Planning Director shall then file ~~the resolution approving and accepting the~~
3 ~~corrected final plat and~~ the approved and corrected final plat in the office of the Register of
4 Deeds. The recording fee shall be paid in advance by the subdivider and submitted to the City
5 Clerk Planning Director. The name of the corrected final plat shall be "A corrected plat of (the
6 name of the said subdivision)." The word "replat" shall not be used. The corrected plat shall
7 comply with Chapter 26.19, this code, and the conditions of the original plat as approved by
8 the City.

9 Section 10. That Section 26.15.020 of the Lincoln Municipal Code be amended
10 to read as follows:

11 **26.15.020 Information on or Accompanying a Preliminary Plat.**

12 The following required information shall be identified and shown on the preliminary
13 plat or on accompanying sheets:

14 (a) Centerline profiles in NAVD 1988 of all existing and proposed streets and pri-
15 vate roadways within and adjacent to the subdivision. The profile shall show points of
16 intersection with all other streets and private roadways, stationing, the existing ground surface
17 elevations, the proposed street grades, the length of vertical curves between changes in grade,
18 and the profiles and horizontal alignment of temporary dead-end streets extending 300 feet
19 beyond the limits of the subdivision.

20 (b) A drainage study in NAVD 1988 (when utilizing NGVD based flood elevations
21 from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988,
22 unless a more accurate conversion factor using an established conversion program is
23 demonstrated to the satisfaction of the Director of Public Works and Utilities) shall include the
24 following:

25 (1) A topographic map showing the drainage area and resulting runoff from
26 all land lying outside the limits of the preliminary plat which discharges storm water runoff
27 into or through the plat.

28 (2) A topographic map showing proposed contour lines and all sub-drainage
29 areas and resulting runoff within the limits of the preliminary plat.

30 (3) Directional flow arrows for surface drainage along all lot lines where:

- 1 (i) The flow from one acre or more discharges along a common lot
2 line; and
- 3 (ii) The finished grade of the lot is proposed to be two percent or less.
- 4 The drainage study map shall provide sufficiently detailed information to determine the
5 proposed slope along all lot lines.
- 6 (4) The size and location of the pipes, ditch liners, and other drainage
7 facilities required to adequately drain the subdivision.
- 8 (5) A copy of the drainage computations.
- 9 (6) The elevation and limits of a flood from a 100-year storm along and
10 adjacent to all open drainage channels.
- 11 (7) The elevation and limits of flow routes necessary to provide overland
12 runoff capacity through and along the storm drain system for the 100-year storm without
13 flooding building areas.
- 14 (8) The elevations of any building or structure along flow routes indicating
15 that no opening in the building or structure is subject to flooding at the post development flow
16 route elevations.
- 17 (9) Minimum flood corridors centered on the channel and delineated along
18 all channels which are outside the FEMA-delineated flood plain and drain an area equal to or
19 greater than 150 acres.
- 20 (10) The location of proposed stormwater detention/retention facilities.
- 21 (11) A copy of the supporting calculations for the provision to limit the peak
22 rate of storm water discharged.
- 23 (c) The location, size, and common name of all existing trees within and adjacent
24 to the subdivision. The location of the trees may be shown on an aerial photograph with the
25 proposed streets and lots accurately shown thereon. All existing trees which measure three
26 inches or more in caliper five feet above the ground shall be shown and each tree identified
27 with its common name. However, if five or more trees are located so that each is within
28 approximately ten feet of the edge of another tree, they may be considered a tree mass and
29 the outline of the tree mass shall be shown, with a list of the common name of the trees which
30 are within the tree mass and their general grouping. If this procedure is followed, the

individual location of each tree within the tree mass is not necessary. An indication shall be made on the map showing which trees or tree masses are to remain and which trees or tree masses are to be removed. Trees, shrubs and other vegetation within minimum flood corridors shall be preserved to the maximum extent possible. Those trees, shrubs, and other vegetation within minimum flood corridors which cannot be preserved shall be mitigated at a minimum one-to-one ratio. Trees and shrubs utilized for mitigation purposes shall meet the standards for planting size and method listed in the City of Lincoln's Plant Material List of August, 1986.

(d) A vicinity sketch showing the general location of the preliminary plat in relation to existing streets, section lines, and city limits.

~~(e) The proposed species and location of trees for each street and private roadways within and adjacent to the subdivision, including the common and botanical name, size at planting, method of handling, and the quantity of each species.~~

~~(f) The proposed location, design, and materials used in all required landscape screens.~~

~~(g)~~ e An aerial photograph from the Lancaster County soil survey maps designating soil types with the land area of the preliminary plat outlined. Accompanying the map there shall be an explanation on how (1) the engineering properties, and (2) the physical, chemical, and water properties of the soil will affect the proposed development. Should the grading plan show more than a five foot cut on any significant part of the area or a large number of basements are anticipated, a geotechnical engineer or a professional geologist shall certify that the soil data supplied from the soil survey maps is still appropriate. If the soil survey maps are not appropriate, a subsurface investigation shall be performed and an explanation on how the soil properties will affect the development shall be submitted.

~~(h)~~ f Notwithstanding (a) and (b) above, centerline profiles and the drainage study submitted before March 1, 2000 may be in either city datum or NAVD 1988.

Section 11. That Section 26.19.035 of the Lincoln Municipal Code be amended to read as follows:

1 **26.19.035 Additional Information Required.**

2 Accompanying the final plat submittal, the following information shall be submitted:

3 (a) A statement from the subdivider indicating:

4 (1) Any interest the subdivider has in the land surrounding the final plat and
5 the nature of such interest.

6 (2) All requests to be submitted to the city for use permits, special use
7 permits, planned unit developments, changes of zone, and vacations which are required to
8 complete the development.

9 (3) The name, telephone number, mailing address of the subdivider, record
10 owner, and any other person the subdivider may want informed of the final plat process, and
11 any person who has the authorization to act on behalf of the subdivider.

12 (b) Street profiles that show existing ground surface elevations based on a current
13 field survey, the curb grades, and the lengths of all vertical curves of the streets within the final
14 plat which are to be dedicated to the public. The grades shall be in accordance with the
15 minimum standards of the city and, upon acceptance by the city, shall become the official
16 established grades.

17 (c) The proposed species and location of trees for each street and private roadway
18 within and adjacent to the subdivision, including the common and botanical name, size at
19 planting, method of handling, and the quantity of each species.

20 (d) The proposed location, design, and materials to be used in all required land-
21 scape screens.

22 Section 12. That Section 26.33.020 of the Lincoln Municipal Code be amended
23 to read as follows:

24 **26.33.020 ~~Administrative~~ Final Plat Fee.**

25 The following fees shall be charged at the time of filing an application for an
26 ~~administrative~~ a final plat:

27 (a) Filing fee of ~~\$100.00~~ \$125.00;

28 (b) Unit fee of ~~\$20.00~~ \$25.00 per lot;

29 (c) ~~Notification fee of \$100.00 if the subdivider is also requesting a modification~~
30 ~~of the requirements for subdivision approval.~~

1 Section 13. That Section 26.33.030 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **26.33.030 Preliminary Plat Fee.**

4 The following fees shall be charged at the time of filing an application for a preliminary
5 final plat:

6 (a) Filing fee of ~~\$400.00~~ \$600.00;

7 (b) Unit fee of ~~\$40.00~~ \$50.00 per lot to a maximum unit fee of ~~\$2,000.00~~;
8 \$2,500.00.

9 (c) ~~Notification fee of \$100.00.~~

10 Section 14. That Section 26.33.040 of the Lincoln Municipal Code be and the
11 same is hereby repealed.

12 ~~**26.33.040 Final Plat Fee.**~~

13 ~~—The following fees shall be charged at the time of filing an application for a final plat:~~

14 ~~—(a) Filing fee of \$100.00;~~

15 ~~—(b) Unit fee of \$10.00 per lot to a maximum unit fee of \$1,000.00;~~

16 ~~—(c) Notification fee of \$100.00 if the subdivider is also requesting a waiver or~~
17 ~~modification of the requirements for subdivision approval.~~

18 Section 15. That Section 26.33.050 of the Lincoln Municipal Code be amended
19 to read as follows:

20 **26.33.050 Corrected Final Plat Fee.**

21 A filing fee of ~~\$100.00~~ \$125.00 shall be charged at the time of filing an application for
22 a corrected final plat, or to file an affidavit to correct a drafting error on an approved final plat.

23 Section 16. That Section 26.33.060 of the Lincoln Municipal Code be amended
24 to read as follows:

25 **26.33.060 Vacated Final Plat Fee.**

26 ~~The following fees~~ A filing fee of \$250.00 shall be charged at the time of filing an
27 application to vacate a final plat:

28 ~~—(a) Filing fee of \$100.00;~~

29 ~~—(b) Notification fee of \$100.00.~~

1 Section 17. That Section 26.33.070 of the Lincoln Municipal Code be amended
2 to read as follows:

3 **26.33.070 Request to Amend the Conditions of an Approved Final Plat; Fee.**

4 ~~The following fees~~ A filing fee of \$250.00 shall be charged at the time of filing an
5 application for a request to amend the conditions of approval for an approved final plat:-

6 ~~—— (a) — Filing fee of \$100.00;~~

7 ~~—— (b) — Notification fee of \$100.00.~~

8 Section 18. That Section 26.33.080 of the Lincoln Municipal Code be amended
9 to read as follows:

10 **26.33.080 Exemption for City Filing on Its Own Behalf.**

11 No fee shall be required when any application or requested action is ~~recommended~~
12 initiated by the City Council on its own motion or by any person or group officially designated
13 to participate in the administration of this title.

14 Section 19. That Section 26.33.090 of the Lincoln Municipal Code be amended
15 to read as follows:

16 **26.33.090 Changes in Text; Fee.**

17 ~~The~~ A filing fee of \$250.00 shall be charged at the time of filing ~~for~~ an application for
18 a change of text in to Title 26 of the Lincoln Municipal Code ~~shall be \$195.00.~~

19 Section 20. That Section 26.33.100 of the Lincoln Municipal Code be amended
20 to read as follows:

21 **26.33.100 General Fees.**

22 ~~The~~ A filing fee of \$250.00 shall be charged at the time of filing ~~for~~ an application in
23 connection with Title 26 of the Lincoln Municipal Code not otherwise covered by this chapter
24 ~~shall be \$195.00.~~

25 Section 21. That Chapter 26.33 of the Lincoln Municipal Code be amended by
26 adding a new section numbered 26.33.110 to read as follows:

27 **26.33.110 Waivers and Appeals; Fees.**

28 A filing fee of \$125.00 shall be charged at the time of filing an application to waive
29 and/or modify one or more ordinance requirements, design standards, or to appeal one or
30 more conditions of approval to a higher level of authority.

1 Section 22. That Chapter 26.33 of the Lincoln Municipal Code be amended by
2 adding a new section numbered 26.33.120 to read as follows:

3 **26.33.120 Street Name Change Fee.**

4 A filing fee of \$250.00 shall be charged at the time of filing an application for a street
5 name change.

6 Section 23. That Chapter 26.33 of the Lincoln Municipal Code be amended by
7 adding a new section numbered 26.33.120 to read as follows:

8 **26.33.130 Postponement Fee.**

9 A filing fee of \$125.00 shall be charged at the time of filing an application that requires
10 any additional legal notice.

11 Section 24. That Sections 26.11.020, 26.11.037, 26.11.038, 26.11.050,
12 26.11.060, 26.11.070, 26.11.130, 26.15.020, 26.19.035, 26.33.020, 26.33.030, 26.33.050,
13 26.33.060, 26.33.070, 26.33.080, 26.33.090, and 26.33.100 of the Lincoln Municipal Code
14 as hitherto existing be and the same are hereby repealed.

15 Section 26. That this ordinance shall take effect and be in force from and after
16 its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2003:

Mayor